

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on October 9, 2003. At the time the Office Action was mailed claims 1-6, 28 and 30-54 were pending. By way of the present response the Applicant has: 1) canceled claims 37, 38 and 39; 2) amended claims 1, 3, 28, 30, 40 and 49-54; and, has not added any claims. As such, claims 1-6, 28, 30-36 and 40-54 are currently pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-6, 28, and 30-36 and 40-54.

The Applicant apologizes to the Examiner for failing to include all the prior art references that were listed in the Information Disclosure Statement (IDS) mailed on July 22, 2003 and included with the Applicant's immediately preceding Office Action response. The missing prior art references have been included in an IDS being filed herewith.

The Examiner has rejected independent claim 1 under 35 U.S.C. 112, paragraph 1 as lacking enablement. At issue with the Examiner was use of the term "hardware platform" in claim 1 as the target of the downloading; and, the location of the connection manager with respect to the hardware platform (see, the Examiner's discussion of page 11, lines 4-12 of the Applicant's specification at page 3 of the Examiner's Office Action mailed on 10/9/03). In response, the Applicant has replaced the term "hardware platform" with the term "card"; and, has referred to a "memory" as the target of the downloading. The Applicant

respectfully requests that claim 1 is enabled in light of these amendments (See, page 8, lines 5-17 and pg. 11, lines 4-12).

The Examiner has rejected independent claims 28 and 49 under 35 U.S.C. 103(a) as being obvious in light of the combination of U.S. Patent No. 6,128,293 (hereinafter Pfeffer) and U.S. Patent No. 6,202,090 B1 (hereinafter Simone). According to the Examiner:

"Pfeffer fails to explicitly teach ... local memory resources to be downloaded into with network service type specific software images."

See Examiner's Office Action mailed October 9, 2003, pg. 4.

"However Simone teaches in fig. 2, ... local flash memory (local memory resources) [and a] ... routine to download ... to a local flash memory."

See Examiner's Office Action mailed October 9, 2003 pgs. 3-4.

"To establish a *prima facie* case of obviousness ...the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143

Claim 28 of the present application presently recites (emphasis added):

"downloading a ... software routine to a card ... the downloading of the ... software routine being in response to a connection of a ... service type being attempted through the card".

Claim 49 of the present application presently recites (emphasis added):

“connection management software to trigger the downloading of each software item that is downloaded in response to, for each software item that is downloaded, a realization that a connection characterized by a network service type that the software item is designed to help implement is to be supported by said card”.

The Applicant respectfully submits that Simone fails to teach the above emphasized claim elements; and that, as a consequence, independent claims 28 and 49 are allowable. Simone clearly is limited to teaching or suggesting the downloading of a core file in response to a shutdown event/fatal fault error. (See, Simone Col. 1, lines 21-44 and 58-59; Col. 2 lines 8-25; Col. 4 lines 45-63). Because independent claims 28 and 49 are allowable their corresponding dependent claims are likewise allowable.

Claims 40 – 48 stand allowed. The Applicant thanks the Examiner for the allowance of claims 40-48.

Comments

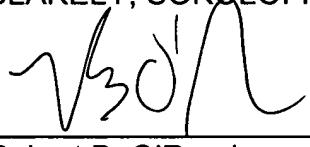
Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert O'Rourke at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 1/9/03



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